

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS LEE HOPPER,

Petitioner,

v.

BRIAN KIBLER,

Respondent.

Case No. 2:21-cv-00985-JDP (HC)

ORDER DIRECTING THE CLERK OF
COURT TO ADMINISTRATIVELY CLOSE
CASE NO. 2:22-cv-01743-JDP

Petitioner, proceeding without counsel, initially sought a writ of habeas corpus under 28 U.S.C. § 2254. In response to an order to show cause, petitioner indicated that he wished to convert this action into one proceeding under section 1983. ECF No. 19. I declined to do so and instead ordered petitioner either to file a section 1983 complaint and application to proceed *in forma pauperis* or to tender the filing fee for a section 1983 action. ECF No. 20. In his response to that order, plaintiff submitted a section 1983 complaint and an application to proceed *in forma pauperis*, but the submission was mistakenly filed in a new case. *See Hopper v. Madden*, Case No. 2:22-cv-01743-JDP at ECF Nos. 1 & 2. The complaint filed in Case No. 2:22-cv-01743 should have been filed in this action as an amended complaint. To remedy this issue, the court will direct the clerk's office to file in this action the documents, including plaintiff's amended

1 complaint and application to proceed *in forma pauperis*, that were mistakenly docketed in Case
2 No. 2:22-cv-01743 and to administratively close that case.

3 Accordingly, it is hereby ORDERED that:

4 1. The Clerk of Court is directed to:

5 a. file in this case the documents docketed in *Hopper v. Madden*, Case No. 2:22-
6 cv-01743-JDP at ECF Nos. 1 & 2;

7 b. file a copy of this order in *Hopper v. Madden*, Case No. 2:22-cv-01743-JDP;
8 and

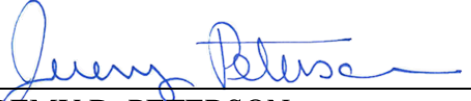
9 c. administratively close *Hopper v. Madden*, Case No. 2:22-cv-01743-JDP.

10 2. The court will screen plaintiff's amended complaint in due course.

11 3. Plaintiff is reminded that documents submitted to the court for filing in this action must
12 must bear the docket number assigned to this case.

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14 IT IS SO ORDERED.

15 Dated: October 19, 2022

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17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE
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